

28.05.2009

CP 3/2009 (OA No. 157/2003)

Mr. C.B. Sharma, Counsel for applicant.
Ms. Kavita Bhati, Proxy counsel for
Mr. Kunal Rawat, Sr. Standing Counsel for
respondents nos. 2 to 4.
None present for other respondents.

This case has been listed before the Deputy Registrar due to non availability of Division Bench. Be listed before the Hon'ble Bench on 27.07.2009.


(Gurmit Singh)
Deputy Registrar

ahq

27.07.2009

CP 3/2009 (OA No. 157/2003) with MA 97/2009

Mr. C.B. Sharma, Counsel for applicant.
Mr. Kunal Rawat, Sr. Standing Counsel for
respondents nos. 2 to 4.
~~Mr. Brijeshwar~~ for respondent no. 1.

Heard learned counsel for the parties.

For the reasons dictated separately, the
Contempt Petition has been disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 27th day of July, 2009

CONTEMPT PETITION NO. 3/2009
IN
ORIGINAL APPLICATION NO. 157/2003
WITH
MJSC. APPLICATION NO. 97/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Dr. Manish Srivastava son of Shri L.K. Srivastava aged about 34 years, resident of 42/56/10, Mansarovar, Jaipur, presently working as Junior Hydrogeologist in Central Ground Water Board, (W.R.), Jaipur.

.....APPLICANT

(By Advocate: Mr. C.B.Sharma)

VERSUS

1. Shri Shantanu Consul, Secretary to the Ministry of Mines, Government of India, Shastri Bhawan, New Delhi.
2. Shri Umesh Narain Pajiar, Secretary to the Ministry of Water Resources, Government of India, Shram Shakti Bhawan, New Delhi.
3. Shri B.M. Jha, Chairman, Central Ground Water Board, Government of India, CHQ, New CGO Complex, NH-IV, Faridabad.
4. Shri R.P. Mathur, Regional Director, Central Ground Water Board, 6-A, Jhalana Institutional Area, Jaipur.

.....RESPONDENTS

(By Advocates: Mr. Hemant Mathur – Respondent no. 1.
Mr. Kunal Rawat (Sr. Standing)-Respondents 2-4.

ORDER (ORAL)

The applicant has filed this Contempt Petition against the alleged violation of the order dated 31.05.2004, which order has been affirmed by the Hon'ble High Court vide judgment dated 13.02.2008 passed in DB Civil Writ Petition No.6628/2004.

2. Notice of this application was given to the respondents. The respondents have filed reply as well as an Affidavit and MA No.

97/2009. In the MA, the respondents have stated that the judgment of the Tribunal could not be complied with within the stipulated period because the proposal for filling of supernumerary post was under consideration of the Government. After receipt of the administrative approval from the Government, the applicant has been extended the benefit in terms of the judgment of the Tribunal and respondents have also made payment of Rs.1,34,240/- to the applicant. It is further stated that the respondents have also made the payment of Rs.9,636/- on 23.03.2009 to the applicant related to the arrear from 19.06.2008 to 28.02.2008. The respondents have placed copies of these documents as Annexure R/1 and R/2.

3. The applicant has filed rejoinder, which has been placed on record. According to the learned counsel for the applicant, the benefit has been extended to the applicant w.e.f. 21.12.2000 whereas he was entitled for such benefit w.e.f. 10.11.2000. We are in Contempt Proceeding. The question whether the applicant was extended benefit w.e.f. 10.11.2000 or w.e.f. 21.12.2000 cannot be agitated in this contempt petition especially when this Tribunal while disposing of the matter has not specified the date from which date such benefit shall be extended to the applicant. In any case, if the applicant is aggrieved by the order passed by the respondents whereby he has been granted benefit w.e.f. 21.12.2000, it will be open for him to file substantive OA including his further promotion based upon granting of the benefit w.e.f. 21.12.2000.

4. With these observations, the Contempt Petition is disposed of. Notices issued to the respondents hereby discharged.

5. In view of the order passed in the Contempt Petition, no order is required to be passed in MA No. 97/2009, which is also disposed of accordingly.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ